

Vellius and Hale since it would involve only routine skill to replacement manual means with mechanical or automatic means which accomplish the same result. See in re Venner, 120 USPQ 192.” The examiner further states: “To computerize these functions would be obvious to an artisan in view of the teachings of Hale and Vellidus.”

3. Applicant’s Response.

a. The applicant disagrees with the examiner’s rejection of claims 1-15 and 17-30 for the reasons given in the previous response(s).

b. Nevertheless, to permit an anticipated allowance of one aspect of the invention, the applicant cancels, without prejudice, claims 1-35. The applicant expressly reserves the right to present these claims at a later time for further prosecution and/or appeal, without a burden of prosecution history estoppel due to the present cancellation.

b. The applicant adds new claims 63-103. The applicant submits that these new claims should be allowable based on the examiner’s indication of allowance for claims 16 and 31-35, 61, and 62.

4. The applicant respectfully submits that new claims describe an improved agricultural harvesting system. The applicants submit that the features of the claimed agricultural harvesting system and/or its associated advantages are not taught by, suggested by, or obvious in view of the references of record, either alone or in combination.

5. The applicant respectfully submits that no new matter has been added to the amended or new claims.

6. In view of the foregoing, Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the phone number provided below.

7. The applicants submit herewith a petition under 37 CFR 1.136 for a three month extension of time with an associated fee. This request and amendment is filed on November 5, 2009, under the Certificate of Mailing pursuant to 37 CFR 1.18, within the three month shortened statutory period set for reply in the Final rejection dated May 5, 2009, plus a three month extension of time under 37 CFR 1.136(a), which expires November 5, 2009, pursuant to MPEP 710.01(a).

8. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
Kaschke, et al.

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